

SERVICE DATE – AUGUST 19, 2013

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-290 (Sub-No. 347X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in Marengo County, Ala.**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Marengo County, Alabama. The rail line proposed for abandonment extends approximately 0.80 miles from milepost 241.3 N to milepost 242.1 N in the city of Demopolis, Alabama (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, NSR will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NSR submitted an Environmental Report that concludes the quality of the human environment would not be significantly affected as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NSR served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

NSR states that no local traffic has moved over the Lines for at least two years and that there is no overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities;

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-290 (Sub-No. 347X).

transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

If abandonment authority is granted in this proceeding, NSR states that it would remove the remaining remnants of a railroad bridge located at approximately milepost 242.4 N, near the western terminus of the Line. The bridge crosses the mouth of Devil's Run Slough where the slough joins the Black Warrior River. The U.S. Coast Guard (USCG) has requested that NSR remove the remaining bridge structures following several vessel allisions, the latest of which occurred in 2012.

NSR states that there is no rail or related track material remaining on the Line. Therefore, no salvage of rail or track material would take place. NSR would not remove any railroad ballast or alter the contour of the existing roadbed. No digging or burying of any kind would be conducted, and the existing drainage systems would remain intact.

NSR states that the proposed abandonment would be consistent with existing land use plans. NSR requested comments from the governments of the city of Demopolis, Alabama and Marengo County, Alabama, but has received no responses to date.

The U.S. Natural Resource Conservation Service (NRCS) submitted comments stating that the Line crosses areas containing prime farmland soil map units. However, NRCS states that these areas are located within the city limits of Demopolis, Alabama and are therefore exempt from NRCS regulations. Accordingly, NRCS concludes that the proposed abandonment would not result in adverse impacts to prime or protected farmland.

The National Geodetic Survey (NGS) submitted comments stating that no geodetic survey markers are located in the vicinity of the Line. Accordingly, no geodetic survey markers would be affected by the proposed abandonment.

The Lines crosses one body of water, Devil's Run Slough, and is adjacent to the Black Warrior River. The Line also crosses areas containing wetlands.² The U.S. Army Corps of Engineers (the Corps) submitted comments stating that the proposed abandonment would not cause debris to be placed in waterways or wetlands and would therefore not require a Corps permit under Section 404 of the Clean Water Act.³

NSR requested comments from the U.S. Environmental Protection Agency (USEPA) and the Alabama Department of Environmental Management (ADEM) regarding compliance with

² U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory Mapper, <http://www.fws.gov/wetlands/Wetlands-Mapper.html> (last visited August 7, 2013).

³ 33 U.S.C. § 1344.

applicable local, state, and federal water quality regulations. ADEM submitted comments stating that an ADEM permit under Section 402 of the Clean Water Act⁴ would be required only if the proposed abandonment would result in the land disturbance of one acre or larger. Because NSR does not plan to conduct any excavation or other ground disturbance activities, OEA concurs with NSR's determination that an ADEM permit would not be required.

In its comments, ADEM also states that the proposed abandonment should be conducted in a manner that minimizes potential adverse impacts to water quality and should implement and maintain effective Best Management Practices (BMPs). Accordingly, OEA will recommend a condition requiring NSR to consult with ADEM regarding the implementation of BMPs prior to beginning salvage activities.

NSR states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. OEA review has confirmed that there are no listed Superfund sites in the vicinity of the Lines.⁵ Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

In its review of available geospatial data, OEA has determined that the proposed abandonment is not located in an area designated as critical habitat for threatened and endangered species by the U.S. Fish and Wildlife Service (USFWS).⁶ OEA also conducted a search of the USFWS Environmental Conservation Online System in order to identify any federally listed endangered or threatened species that may be present in the vicinity of the Line.⁷ The table below shows the protected species known or thought to occur in the county in which the proposed abandonment is located.

Protected Species in Marengo County, Alabama			
Group	Common Name	Scientific Name	Status
Reptiles	Gopher tortoise	<i>Gopherus polyphemus</i>	Candidate
Birds	Wood stork	<i>Mycteria Americana</i>	Endangered
Clams	Alabama (or inflated) heelspitter	<i>Potamilus inflatus</i>	Endangered
	Ovate clubshell	<i>Pleurobema perovatum</i>	Endangered
	Southern clubshell	<i>Pleurobema decisum</i>	Endangered

⁴ 33 U.S.C. § 1342.

⁵ Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited August 7, 2013).

⁶ U.S. Fish and Wildlife Service, Critical Habitat Portal, <http://criticalhabitat.fws.gov/crithab> (last visited August 7, 2013).

⁷ U.S. Fish and Wildlife Service, Environmental Conservation Online System, <http://ecos.fws.gov/ecos/indexPublic.do> (last visited August 7, 2013).

USFWS submitted comments stating that, as described, salvage activities related to the proposed abandonment would have no significant impact on fish and wildlife resources. Accordingly, no mitigation regarding the protection of threatened or endangered species is recommended.

NSR requested comments from the National Park Service regarding the potential impact of the proposed abandonment on wildlife sanctuaries or refuges, parks, or other protected areas, but has received no response to date. In its review of available geospatial data, OEA has concluded that the Lines are not located in or adjacent to any local or national park; wildlife sanctuary or refuge; or other protected area. Accordingly, no mitigation regarding protected areas is recommended.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is sending a copy of this EA to ADEM for that agency's review and comment.

HISTORIC REVIEW

According to NSR, the Line was originally constructed between 1852 and 1864 as part of the Selma-York line of the Alabama and Mississippi Rivers Railroad Company. In 1864, the railroad changed its name to Selma and Meridian Railroad Company. The Line has since been operated by the Alabama Central Railroad Company (1871-1881), the East Tennessee, Virginia, and Georgia Railroad Company (1881-1886), the East Tennessee, Virginia, and Georgia Railway Company (1886-1887), and the Richmond Terminal Company (1887-1894). The Richmond Terminal Company entered receivership in 1892 and was acquired in 1894 by the Southern Railway Company, which changed its name to Norfolk Southern Railway Company in 1990.

The sole structure on the Line consists of the remaining remnants of a railroad bridge located at approximately milepost 242.4 N near the western terminus of the Line. The bridge crosses the mouth of Devil's Run Slough where the slough joins the Black Warrior River.

NNSR states that the bridge is of deck plate girder and steel beam construction. Sections of the bridge were built or replaced at various times since 1945 and the majority of the structure dates to around 1969. The bridge has been struck by vessels on a number of occasions. Extensive repairs were undertaken following allisions in 1974 and 1986. An allision in 2000 resulted in the removal of a damaged section of the bridge. Following the most recent allision, in 2012, USCG requested that NSR remove the remaining portions. NSR states that the remaining remnants of the bridge are heavily damaged due to past allisions. The bridge has been out of rail service since 1988.

The Alabama Historical Commission (State Historic Preservation Office or SHPO) submitted comments stating that the proposed abandonment would not affect any archaeological resources listed in or eligible for listing in the National Register of Historic Places (National

Register). However, the SHPO also states that it requires additional information to continue its review. Specifically, the SHPO requests that NSR determine whether the railroad bridge at milepost 242.4 N is of a common trestle type and whether other examples of this bridge type remain in Alabama.

In recognition of the SHPO's request, OEA is recommending a condition requiring NSR to retain its interest in and take no steps to alter the historic integrity of the railroad bridge located at milepost 242.4 N. This condition would allow NSR to file its consummation notice and proceed with the abandonment except as related to the bridge. NSR would not be able to dispose of or salvage the bridge until the Section 106 process of the National Historic Preservation Act⁸ has been completed. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.⁹ The search did not identify any federally recognized tribes as potentially having knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- 1. Prior to beginning salvage activities, Norfolk Southern Railway Company shall consult with the Alabama Department of Environmental Management regarding the implementation of Best Management Practices and shall comply with that agency's reasonable recommendations.**
- 2. Norfolk Southern Railway Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of the railroad bridge located at milepost 242.4 N or any remaining remnants thereof until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. NSR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Alabama Historical Commission (State Historic Preservation Office or SHPO) and the public. NSR may not file a consummation notice related to the bridge or initiate any salvage activities related to the bridge until the Section 106 process has been completed and the Board has removed this condition.**

⁸ 16 U.S.C. § 470

⁹ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited August 7, 2013).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the conditions above are imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 347X) in all**

correspondence, including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at waylandj@stb.dot.gov.

Date made available to the public: August 19, 2013

Comment due date: September 3, 2013

By the Board, Victoria Rutson, Director, Office of Environmental Analysis